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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

	) Case No.: 2013-34541
	) Chapter: 11
	) DCN: CAH-013
In re:)
	) EX-PARTE APPLICATION FOR ORDER
6056 SYCAMORE TERRACE, LLC	) SHORTENING TIME FOR HEARING ON
	) MOTION TO AMEND DEBTOR'S
	) DISCLOSURE STATEMENT DATED MAY
Debtor,	) 28, 2014 AND FOR NEW SCHEDULING
	) ORDER
)
)
	) (NO HEARING REQUESTED)
)
	) Judge: Hon. Michael S. McManus
)
)

COMES NOW, 6056 Sycamore Terrace, LLC, a California corporation (the "Debtor"), and respectfully represents as follows:

1. That is request is being brought on shortened time because the Motion could be interpreted as a Motion to Determine Adequacy of the Disclosure Statement.
2. Short summary of the need for the Amended Plan and Disclosure Statement:
Early in the case, Debtor obtained a title report and included the liens in this case. Debtor, in anticipation of plan confirmation, obtained a new title report which contains two liens that the initial report did not. Amending the plan to include them does not prejudice or take anything away from other creditors, however, in an abundance of caution and in the interest of expediting this case, Debtor is seeking through this motion that Debtor may amend the disclosure statement to give information about the two liens so that the Confirmation

1 hearing doesn't come just to find the Court rules the creditors did not have enough
2 disclosure about the two new liens.

3 3. The Debtor is a California LLC engaged in the business of operating and
4 managing the residential real property located at 6056 Sycamore Terrace, Pleasanton,
5 California 95603 (the "Property").

6 4. Debtor filed its Disclosure Statement and Proposed Chapter 11 Plan of
7 Reorganization on May 28, 2014.

8 5. On September 10, 2014, the court granted the Order for Order Determining
9 Adequacy of Debtor's Disclosure Statement dated May 28, 2014, as Docket No. : 190, and
10 set the Plan confirmation hearing date for October 27, 2014.

11 6. The changes to the Plan are as follows:

- 12 a. Add Mohboob Bozargzad's wholly undersecured claim and provide for it
13 in the general unsecured creditors class for \$0.00;
14
15 b. Add Mountain Counties Plumbing's (MCP) wholly undersecured claim
16 provide for it in the general unsecured creditors class for \$26,000.00.
17
18 c. Add those claims to the general unsecured class to be paid the same
19 percentage of their claim as the rest of the class (the plan estimated each
20 claim to be paid 9.5% of its claim).

21 7. The changes to the disclosure statement are as follows:

- 22 a. The 2 creditors will be added in any relevant places in the disclosure
23 statement.
24
25 b. The disclosure will be made that the 2 additional creditors will receive the
26 same percentage of their claim as the rest of the general unsecured
27 creditors.
28

- 1 c. The disclosure will be made that the adding of the 2 additional creditors
2 does not prejudice or take away from any other claims in the case.
- 3 d. The disclosure will be made that the payment to the entire general
4 unsecured class is the result of the sale of Debtor's property and to add the
5 risk factor that in the unlikely event that Debtor is unable to sell the
6 property for enough to finish the Plan, that the Plan may fail, and that the
7 addition of two additional creditors increases the amount to be paid out of
8 the sale of the property. However the plan pays an estimated 9.5% of each
9 general unsecured claim. The MCP claim is \$26,000. 10% of that is
10 \$2,600. The Mahboob claim is \$0 however is subject to dispute in family
11 court. In the unlikely worst case scenario if the claim was \$160,000, 10%
12 of that would be \$16,000. Thus the unlikely worst case scenario amount
13 the payment to the general unsecured class would be increased would be
14 \$18,600, an amount fairly inconsequential to a multi million dollar real
15 estate transaction.
- 16 e. The disclosure statement will state that motions to value were filed with
17 hearing dates of October 27, 2014 to "Strip the Liens" of the two
18 additional creditors' claims who are wholly undersecured.

- 19
20 8. Good cause for granting this request is the Debtor has reached a tentative
21 settlement with the largest creditor in this case, Nationstar Mortgage, LLC, and it
22 is critical to preserving the settlement that is case moves towards confirmation
23 quickly.

24
25 WHEREFORE, Debtor prays that the Court grant an order to shorten time for
26 hearing of the Motion to Amend Debtor's Disclosure Statement dated May 28, 2014 to
27 include additional information regarding the two additional liens on Debtor's property.
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Dated: September 29, 2014

By: /s/ C. Anthony Hughes

C. Anthony Hughes, Attorney for Debtors

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